



ATTORNEYS AT LAW

38TH FLOOR ONE OXFORD CENTRE PITTSBURGH, PA 15219
412.263.2000 FAX: 412.263.2001
WWW.PIETRAGALLO.COM

DIRECT DIAL NO.: 412.263.1816
DIRECT FAX NO: 412.263.4246
FILE NO.: MYLAN-112578
EMAIL: cct@pietragallo.com

December 4, 2023

Via ECF

The Hon. Robert B. Kugler
United States District Judge
USDC, District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Special Master the Hon. Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower, 18th Floor
Philadelphia, PA 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*
USDC, District of New Jersey, No. 1:19-md-2875-RBK-SAK

Dear Judge Kugler and Judge Vanaskie:

I write on behalf of the Defendants' Executive Committee to provide Defendants' positions with respect to the topics on the agenda for the conference with the Court on Wednesday, December 6, 2023. Defendants do not anticipate that any of the matters to be discussed at the conference will require confidentiality.

1. Proposed Amended CMO 32

Plaintiffs and the TPP Trial Defendants have met and conferred regarding a proposed case management schedule for the issues discussed at the last case management conference, specifically, answers, motions for summary judgment, and supplemental expert discovery. The parties are near agreement on a proposed order amending CMO 32 to incorporate their agreed proposed case management schedule, and anticipated submitting a proposed order to the Court prior to the December 6 Case Management Conference, or identifying any remaining disagreements for the Court to resolve.

2. Plaintiff Fact Sheet Deficiencies and Orders to Show Cause

Cases Addressed at the November 1, 2023 Case Management Conference:

The Court issued five (5) show cause orders returnable at the December 6, 2023 Case Management Conference:

1. *E/O Alexandra Samocha v. Hetero, et al.* – 21-cv-17384
2. *Benjamin Andrews v. ZHP, et al.* – 21-cv-10908

The Honorable Robert B. Kugler
 Special Master the Honorable Thomas Vanaskie
 December 4, 2023
 Page 2

3. *E/O Pauline Harris v. Aurobindo, et al.* – 23-cv-03016
4. *Igor Berkovski v. Hetero, et al.* – 23-cv-4153
5. *Janice Parks v. ZHP, et al.* – 23-cv-4155

The issues in the *Berkovski* and *Parks* matters are resolved, and the show cause orders may be withdrawn.

The issues in the *Samocha*, *Andrews*, and *Harris* matters remain unresolved, but the parties agree to an extension of the show cause orders until the next case management conference.

Second Listing Cases – Order to Show Cause Requested:

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases were previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on November 27, 2023, and a global meet and confer was held on December 1, 2023. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why these cases should not be dismissed.

Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the December 6, 2023 Case Management Conference:

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Ocie Mae Haughton v. Aurobindo Pharma, Ltd.	23-cv-3646	Davis & Crump	Need medical expenses.	10/11/23
2.	Mary Hines v. ZHP, et al.	23-cv-2674	Nabers Law	Authorizations must be signed and witnessed	10/11/23

The Honorable Robert B. Kugler
 Special Master the Honorable Thomas Vanaskie
 December 4, 2023
 Page 3

3.	Barbara Kaluhiokalani v. Hetero	23-cv-2550	Nabers Law	Largely deficient PFS; No documents	10/11/23
4.	Robert Kennedy v. Aurobindo, et al.	23-cv-13282	Levin Papantonio	No PFS Filed	10/30/23

First Listing Cases – Remaining Core Deficiencies:

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiffs' leadership on November 27, 2023, and a global meet and confer was held on December 1, 2023. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Yuriy Fershter v. ZHP, et al.	23-cv-4110	Farr Farr	Authorizations must be undated and witnesses where necessary.	10/27/23
2.	Paul Blanchard v. ZHP, et al.	23-cv-4108	Farr Farr	Need authorizations; need medical expenses	10/27/23
3.	Roberta Miller v. ZHP, et al.	23-cv-4136	Farr Farr	Authorizations must be undated; Need Tax Return authorization pursuant to answers in PFS; Need employment record authorization pursuant to answers in PFS	10/27/23

The Honorable Robert B. Kugler
 Special Master the Honorable Thomas Vanaskie
 December 4, 2023
 Page 4

4.	Tom Davidson v. ZHP, et al.	23-cv-11870	Fleming Nolen	Largely deficient PFS; need authorizations	11/14/23
5.	Janice Parks v. ZHP, et al.	23-cv-4155	Farr Farr	Please provide an undated HIPAA authorization for all providers listed in PFS rather than a blank template; Please provide undated health insurance authorization and confirm entity on insurance authorization is proper, entity listed does not match PFS.	11/17/23
6.	Stelios Mantalis v. Aurobindo Pharma, Ltd.	23-cv-14463	Nigh Goldenberg	No PFS Filed	11/11/2023

Respectfully submitted,



Clem C. Trischler

c: All counsel of record (via ECF)